

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

GIUSEPPE MAROTTA et al.,

Plaintiffs

V.

SUFFOLK COUNTY,
Defendant

C.A. NO. 05-10032-MEL

MOTION TO AMEND COMPLAINT
TO ADD ADDITIONAL PARTY PLAINTIFF

Now come the Plaintiffs in this action and move to amend their Complaint by adding as a party plaintiff, PETER MOCCIO, who has today filed an individual consent form in connection with the Plaintiffs TENTH NOTICE OF FILING OF FLSA CONSENTS TO SUE (these forms will hereinafter be referred to as "Consent(s).") In support thereof, the Plaintiffs state that MOCCIO has been a correction officer employed by the Defendant Suffolk County, and a member of a labor organization, AFSCME Council 93, AFL-CIO, Local 419 (the "Union"). The Union and the Defendant Suffolk County are and have been parties to a collective bargaining agreement, which sets forth terms and conditions of employment that uniformly apply to corrections officers and certain other employees assigned to the Suffolk County House of Correction, including hourly rates of pay, and circumstances in which officers are entitled to receive overtime pay and the addition of certain premiums to their normal hourly rate of pay (hereinafter,

premium pay)” Mr. MOCCIO, therefore, is a similarly situated employee within the meaning of 29 U.S.C. § 216(b), and is therefore entitled to intervene in this case as a party plaintiff by filing a Consent. A copy of the Plaintiffs Amended Complaint is attached hereto.

Respectfully submitted,

THE PLAINTIFFS

By their attorney,

/s/ Daniel W. Rice

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